

TYNWALD

Tinvaal



VOTES AND PROCEEDINGS Reaghyssyn as daaltyn

DOUGLAS
TUESDAY 21st JANUARY 2003
WEDNESDAY 22nd JANUARY 2003
THURSDAY 23rd JANUARY 2003

(The number before each motion refers to the number of the motion on the Order Paper)

Mr Peter Alfred Craine -

The Hon Member for Douglas South (Mr Cretney) paid tribute to the late Mr Peter Alfred Craine. The Court stood in silence as a mark of respect.

Detective Constable Stephen Oake -

Mr President expressed the Court's sympathy to Mr and Mrs Robin Oake on the murder of their son.

1. Laid before the Court -

European Communities (Isle of Man) Act 1973 -

European Communities (Burma/Myanmar Sanctions) (Application)
(Amendment) Order 2002 *[SD No 844/02]*

Children and Young Persons Act 2001 -

Secure Accommodation Regulations 2002 *[SD No 871/02]*

Children's Home Regulations 2002 *[SD No 872/02]*

Placement of Children with Parents etc. Regulations 2002
[SD No 873/02]

Placement of Children (General) Regulations 2002 *[SD No 874/02]*

Private Fostering (Notification) Regulations 2002 *[SD No 875/02]*

Disqualification for Caring for Children Regulations 2002
[SD No 876/02]

Remands to Accommodation Provided by the Department Regulations
2002 *[SD No 877/02]*

Social Security Act 2000 -
Social Security Act 1998 (Application) (Amendment) Order 2002
[SD No 879/02]
Social Security Contributions and Benefits Act 1992 (Application)
(Amendment) (No. 3) Order 2002 *[SD No 880/02]*
Social Security Administration Act 1992 (Application) (Amendment)
(No. 3) Order 2002 *[SD No 881/02]*
Social Security Legislation (Application) (No. 16) Order 2002
[SD No 883/02]

Pension Schemes Act 1995 -
Pension Schemes Act 1993 (Application) (Amendment) Order 2002
[SD No 882/02]

Social Security Contributions and Benefits Act 1992 -
Income Support (General) (Isle of Man) (Amendment) (No. 6)
Regulations 2002 *[SD No 884/02]*

Merchant Shipping Act 1985 -
Merchant Shipping (Safety Provisions) Application Order 2002
[SD No 865/02]

Legal Aid Act 1986 -
Criminal Legal Aid Order 2002 *[SD No 852/02]*

Custody Act 1995 -
Secure Care Home Custody Rules 2002 *[SD No 853/02]*

Advocates Act 1995 -
Notaries (Amendment) Regulations 2002 *[SD No 850/02]*

Reports -
Isle of Man Government Plan 2003-2004.

Government Departments Act 1987 -
Appointment of Members of Departments (No. 2) Instrument 2002
[GC No 43/02]
Transfer of Functions (Bona Vacantia) Order 2002 *[SD No 862/02]*

Superannuation Act 1984 -
Superannuation (Clerk of Tynwald's Department) Determination
(No. 5) 2002 *[SD No 842/02]*

Road Traffic Act 1985 -
Road Vehicles (Authorisation of Special Types) (Amendment) Order
2002 *[SD No 755/02]*

Post Office Act 1993 -
Post Office (Overseas Letter Post) (Amendment No. 2) Scheme 2002
[SD No 717/02]

Advocates Act 1976 -
Advocates (Disciplinary) (Amendment) Rules 2002 *[SD No 841/02]*

High Court Act 1991 -
Rules of the High Court of Justice (Amendment) 2002 [*SD No 732/02*]

Summary Jurisdiction Act 1989 -
Summary Jurisdiction Rules 2002 [*SD No 733/02*]

Value Added Tax Act 1996 -
Value Added Tax (Amendment) (No. 3) Regulations 2002 [*SD No 836/02*]
Value Added Tax (Reduced Rate) (Amendment) Order 2002 [*SD No 677/02*]

Fees and Duties Act 1989 -
Extra-Statutory Concession (Amendment) 2002 [*SD No 835/02*]

Advocates Act 1995 -
Advocates (Prescribed Fees) Regulations 2002 [*SD No 851/02*]

Custody Act 1995 -
Custody (Designation of Institutions) Order 2002 [*SD No 854/02*]

Appointed Day Order -
Road Traffic (Amendment) Act 2001 (Appointed Day) (No. 3) Order 2002 [*SD No 834/02*]
National Health Service Act 2001 (Appointed Day) (No. 2) Order 2002 [*SD No 818/02*]
Public Health (Amendment) Act 2000 (Appointed Day) (No. 3) Order 2002 [*SD No 866/02*]
Children and Young Persons Act 2001 (Appointed Day) (No. 2) Order 2002 [*SD No 878/02*]

European Communities -
European Communities Secondary Legislation December 2002 [*GC No 1/03*]

International Agreements -
International Agreements which the Isle of Man Government has requested be extended to the Isle of Man during the period 1st January to 31st March 2002 -
Second Additional Protocol to the Council of Europe Convention on Extradition.

International Agreements which the Isle of Man Government has requested **not** to be extended to the Isle of Man during the period 1st January to 31st March 2002 -
None.

International Agreements which the Isle of Man Government has requested to be extended to the Isle of Man during the period 1st April to 30th June 2002 -
None.

International Agreements which the Isle of Man Government has requested **not** to be extended to the Isle of Man during the period 1st April to 30th June 2002 -

None.

International Agreements which the Isle of Man Government has requested be extended to the Isle of Man during the period 1st July to 30th September 2002 -

Protocol 13 to the European Convention for the Protection of Human Rights and Fundamental Freedoms, concerning the Abolition of the Death Penalty in All Circumstances.

United Kingdom Bilateral Agreement on the Transfer of Sentenced Persons with the Philippines.

United Kingdom Bilateral Agreement on the Transfer of Sentenced Persons with Barbados.

United Kingdom Bilateral Agreement on the Transfer of Sentenced Persons with Guyana.

United Kingdom Bilateral Agreement on the Transfer of Sentenced Persons with Surinam.

Kyoto Protocol to the United Nations Framework Convention on Climate Change.

United Nations Convention against Transnational Organised Crime.

United Nations Convention for the Suppression of Terrorist Bombings.

International Agreements which the Isle of Man Government has requested **not** to be extended to the Isle of Man during the period 1st July to 30th September 2002 -

Agreement between the United Kingdom and Belarus on Adoption.

International Agreements which the Isle of Man Government has requested to be extended to the Isle of Man during the period 1st October to 31st December 2002 -

USA-Isle of Man Exchange of Information Agreement *

IMO International Convention on the Control of Harmful Anti-Fouling Systems on Ships.

(* signed by the Isle of Man Government in its own right following the issue of a letter of entrustment by HM Government.)

International Agreements which the Isle of Man Government has requested **not** to be extended to the Isle of Man during the period 1st October to 31st December 2002 -

None.

Reports -

Report of the Isle of Man Delegation to the General Assembly of the Conference of Peripheral Maritime Regions of Europe - 2002.

Statement -

Statement by Mr Nigel Macleod QC, Chairman of the Commission of Inquiry into Mount Murray, on the progress of the Inquiry.

2. Questions -

Questions 1 to 20 were answered orally. Questions 21 to 43 were answered in writing.

24. Isle of Man Government Plan 2003-06 -

Motion made -

That Tynwald approves the Isle of Man Government Plan 2003-06 and endorses, as a general strategy, the priorities and objectives contained therein.

Mr Corkill

Adjournment moved -

That consideration of this Motion should be adjourned until the June 2003 sitting of Tynwald Court.

Mr Karran

Court divided.

Adjournment lost.

Amendment moved -

After the word "Tynwald" insert -

"receives the Isle of Man Plan 2003-06 and notes as a general strategy the priorities and objectives contained therein."

Mrs Hannan

Court divided.

Amendment lost.

Court divided.

Motion carried.

The Court rose at 7.40pm and adjourned to Wednesday 22nd January 2003.

DOUGLAS
WEDNESDAY 22nd JANUARY 2003

3. Commission of Inquiry into Mount Murray -

Motion made -

That Tynwald -

- (a) approves the expenditure of a further sum not exceeding £200,000, in addition to the £500,000 previously voted, to meet the continuing costs of the Commission of Inquiry into Mount Murray; and
- (b) approves the expenditure of a total sum not exceeding £200,000 from General Revenue for the year ending 31st March 2003.

Mr Corkill

Court divided.

Motion carried.

4. Commission of Inquiry into Mount Murray -

Motion made -

That Tynwald -

- (a) approves the expenditure of a sum not exceeding £100,000 to meet the additional legal costs arising from the Commission of Inquiry into Mount Murray; and
- (b) approves the expenditure of a total sum of £100,000 from General Revenue for the year ending 31st March 2003.

Mr Bell

Court divided.

Motion carried.

5. Demolition of Properties at Westmoreland Road -

Motion made -

That Tynwald -

- (1) approves the Department of Local Government and the Environment incurring expenditure not exceeding £63,216 for:
 - demolition of garage properties on Westmoreland Road and Workshops to the rear of Parr Street;
 - pre-contract costs for the development of 18 flats at Westmoreland Road;

- (2) authorises the Treasury to spend out of the Capital Transactions Account during the financial year ending 31st March 2003, a sum not exceeding £63,216 with the unspent balance being carried over to the financial year ending 31st March 2004;
- (3) approves of and sanctions borrowings not exceeding £63,216 being made by Government, such borrowings to be repaid within a period of 30 years; and
- (4) approves the transfer of £63,216 from the Housing Reserve fund to the Capital Transactions Account during the year ending 31st March 2003.

[Reference: Item 13 under the heading 'Local Government and the Environment' on page 9 of the Isle of Man Budget 2002-03 and as detailed in the Estimate of Capital Payments 2002-03 to 2006-07 on page 114 of the Isle of Man Budget 2002-03]

Mrs Crowe

Motion carried.

Supplementary Order Paper No. 1 -

2. Business to be considered under Standing Order 11.3 -

Motion made -

That Standing Order 2.4(1) be suspended, in order that the following business be considered -

That Tynwald -

- (1) Approves additional Capital Expenditure of a sum not exceeding £737,400 to allow completion of the Digital Trunked Radio System for the Emergency Services and other Departments of Government;
- (2) authorises the Treasury to expend a sum not exceeding £737,400 from the Capital Transaction Fund in the year ending 31st March 2003 in respect of the additional expenditure; and
- (3) approves of, and sanctions, borrowings not exceeding £737,400 being made by Government, to be repaid over 20 years.

[Reference: Item No 9 under the heading 'Home Affairs' on page 9 of the Isle of Man Budget 2002-2003 and on page 113 of the Isle of Man Budget 2002-2003.]

Mr Braidwood

Motion carried.

3. Digital Trunked Radio System -

Motion made -

That Tynwald -

- (1) Approves additional Capital Expenditure of a sum not exceeding £737,400 to allow completion of the Digital Trunked Radio System for the Emergency Services and other Departments of Government;
- (2) authorises the Treasury to expend a sum not exceeding £737,400 from the Capital Transaction Fund in the year ending 31st March 2003 in respect of the additional expenditure; and
- (3) approves of, and sanctions, borrowings not exceeding £737,400 being made by Government, to be repaid over 20 years.

[Reference: Item No 9 under the heading 'Home Affairs' on page 9 of the Isle of Man Budget 2002-2003 and on page 113 of the Isle of Man Budget 2002-2003.]

Mr Braidwood

Motion carried.

Main Order Paper -

6. European Communities (Isle of Man) Act 1973 -

Motion made -

That the European Communities (Burma/Myanmar Sanctions) (Application) (Amendment) Order 2002 be approved. *[SD No 844/02]*

Mr Corkill

Motion carried.

7. Children and Young Persons Act 2001 -

Motion made -

That the Secure Accommodation Regulations 2002 be approved. *[SD No 871/02]*

Mrs Christian

Motion carried.

8. Children and Young Persons Act 2001 -

Motion made -

That the Children's Home Regulations 2002 be approved. *[SD No 872/02]*

Mrs Christian

Motion carried.

9. Children and Young Persons Act 2001 -

Motion made -

That the Placement of Children with Parents etc. Regulations 2002 be approved. *[SD No 873/02]*

Mrs Christian

Motion carried.

10. Children and Young Persons Act 2001 -

Motion made -

That the Placement of Children (General) Regulations 2002 be approved. *[SD No 874/02]*

Mrs Christian

Motion carried.

11. Children and Young Persons Act 2001 -

Motion made -

That the Private Fostering (Notification) Regulations 2002 be approved. *[SD No 875/02]*

Mrs Christian

Motion carried.

12. Children and Young Persons Act 2001 -

Motion made -

That the Disqualification for Caring for Children Regulations 2002 be approved. *[SD No 876/02]*

Mrs Christian

Motion carried.

13. Children and Young Persons Act 2001 -

Motion made -

That the Remands to Accommodation Provided by the Department Regulations 2002 be approved. *[SD No 877/02]*

Mrs Christian

Motion carried.

14. Social Security Act 2000 -

Motion made -

That the Social Security Act 1998 (Application) (Amendment) Order 2002 be approved. *[SD No 879/02]*

Mrs Christian

Motion carried.

15. Social Security Act 2000 -

Motion made -

That the Social Security Contributions and Benefits Act 1992 (Application) (Amendment) (No. 3) Order 2002 be approved. *[SD No 880/02]*

Mrs Christian

Motion carried.

16. Social Security Act 2000 -

Motion made -

That the Social Security Administration Act 1992 (Application) (Amendment) (No. 3) Order 2002 be approved. *[SD No 881/02]*

Mrs Christian

Motion carried.

17. Pension Schemes Act 1995 -

Motion made -

That the Pension Schemes Act 1993 (Application) (Amendment) Order 2002 be approved. *[SD No 882/02]*

Mrs Christian

Court divided.

Motion carried.

18. Social Security Act 2000 -

Motion made -

That the Social Security Legislation (Application) (No. 16) Order 2002 be approved. *[SD No 883/02]*

Mrs Christian

Motion carried.

19. Social Security Contributions and Benefits Act 1992 -

Motion made -

That the Income Support (General) (Isle of Man) (Amendment) (No. 6) Regulations 2002 be approved. *[SD No 884/02]*

Mrs Christian

Motion carried.

20. Merchant Shipping Act 1985 -

Motion made -

That the Merchant Shipping (Safety Provisions) Application Order 2002 be approved. *[SD No 865/02]*

Mr Downie

Motion carried.

21. Legal Aid Act 1986 -

Motion made -

That the Criminal Legal Aid Order 2002 be approved. *[SD No 852/02]*

Mr Bell

Motion carried.

22. Custody Act 1995 -

Motion made -

That the Secure Care Home Custody Rules 2002 be approved. *[SD No 853/02]*

Mr Braidwood

Motion carried.

23. Advocates Act 1995 -

Motion made -

That the Notaries (Amendment) Regulations 2002 be approved. *[SD No 850/02]*

HM Attorney General

Motion carried.

25. Management of the Business of Tynwald Court -

Motion made -

That the Tynwald Standing Orders Committee be requested to examine the options for the better management of business of this Honourable Court and to report with recommendations by the May 2003 sitting.

Mr Houghton

Court divided.

Motion carried.

26. Petitions for the Redress of Grievance -

Motion made -

That Tynwald Standing Orders Committee be requested to propose an amendment to Standing Order 5.10 to provide that a select committee appointed to investigate a Petition for Redress of Grievance presented at St John's shall, unless there are exceptional reasons for not doing so, hear evidence from the petitioner in public, and for such evidence to be recorded and transcribed.

Mr Rimington

Amendment moved -

For the word "propose" substitute -

"consider and report on"

Mr Lowey

Amendment carried.

Motion as amended carried.

27. National Anthems -

Motion made -

That Tynwald is of the opinion that -

- (1) the 'Manx National Anthem' should be known as the Island's National Anthem and that it should be used at all official occasions and within our schools; and that the Anthem 'God Save the Queen' should be known within the Island as the 'Royal Anthem' and should only be used on official occasions when Her Majesty, Members of the Royal Family or His Excellency the Lieutenant Governor are present; and
- (2) that the Government should forthwith take the necessary and appropriate action to implement Tynwald's decision.

Mr Speaker

Amendment moved -

For paragraph (1) substitute -

“ (1) The Island’s National Anthem should be known as the “Manx National Anthem” and it should be used at all official occasions and within our schools; and that the anthem “God Save the Queen” should be known within the Island as the “Royal Anthem” and it should be used on official occasions when Her Majesty the Queen, members of the Royal Family or His Excellency the Lieutenant Governor are present and on such other occasions as may be felt desirable.”

Mr Quayle

Amendment moved -

The motion to read -

“Tynwald is of the opinion that -

- (a) “O Land of Our Birth” be known as the National Anthem of the Isle of Man, with “God Save the Queen” being known as the Royal Anthem;*
- (b) custom and practice be followed whereby -*
 - (i) the National Anthem of the Isle of Man is used on official and ceremonial occasions, and in schools, and*
 - (ii) the Royal Anthem should normally be reserved for use, additionally, on those occasions where Her Majesty, Members of the Royal Family, or the Lieutenant Governor are present.”*

Mr Rodan

Amendment moved -

(a) in (1) after “known” where it first appears insert -

“within the Island”

and

(b) delete the words “Island’s” and “all”.

Mrs Christian

Amendment moved -

The motion to read -

“That Tynwald recognises that its National Anthem is the Manx National Anthem and should be used first at any official occasion and that the British National Anthem should be used as appropriate and that the Department of Education should, as part of the National Curriculum, teach the words and let it be known, and use the Manx National Anthem as the National Anthem of this country.”

Mr Karran

Mr Karran’s amendment -

Court divided.

Amendment lost.

Mr Quayle’s amendment -

Court divided.

Amendment lost.

Mrs Christian’s amendment -

Court divided.

Amendment lost.

Mr Rodan’s amendment -

Court divided.

Amendment carried.

Court divided.

Motion as amended by Mr Rodan carried.

Exchange of Information for Tax Purposes -

Statement made by the Treasury Minister.

Procedural -

Motion made -

That the Court continue to sit until 9pm.

Mr President

Court divided.

Motion lost.

The Court rose at 7.10pm and adjourned to Thursday 23rd January 2003.

DOUGLAS
THURSDAY 23rd JANUARY 2003

28. Waste Disposal Charges -

Motion made -

Tynwald is of the opinion that the Minister for Local Government and the Environment should explain the proposed charges to be levied on local authorities for waste disposal on both domestic properties and commercial properties and how the local authorities would pass on the charges.

Mrs Hannan

Amendment moved -

The motion to read -

Tynwald is of the opinion that -

“(a) the Minister for Local Government and the Environment should explain the proposed charges to be levied on local authorities for waste disposal on both domestic properties and commercial properties and how the local authorities would pass on the charges;

“(b) due to the uncertainty, and in view in both the public and private sectors that the consultation procedures have not been adequately completed, the new charges for waste disposal are not introduced until an all-island strategy report has been presented and approved by Tynwald after a timetable of meaningful consultation with all interested parties has been produced and then undertaken by the Department of Local Government and the Environment.”

Mr Singer

Amendment moved -

After “pass on the charges” add -

“and that the imposition of such proposed charges on 1st April 2003 be deferred for twelve months to enable further consultation to take place.”

Mr Cannan

Amendment moved -

After “that -“ add -

(1);

And after “charges” add -

“; and

(2) that a Standing Committee of Tynwald, consisting of three members be appointed to monitor and review the functions, efficiency and effectiveness and any changes implemented by, the Waste Management Board, and to report, if appropriate with recommendations, to Tynwald annually at its July sitting.”

Mr Speaker

Amendment moved -

At the end add the words -

“and that the imposition of such charges be limited to a 90% discount on all domestic properties and commercial properties and that no further increase be considered for a period of 12 months from 1st April 2003 (or sooner if an equitable solution is found), to allow further consultation to take place.”

Capt. Douglas

Amendment moved -

After “Minister for Local Government and the Environment” delete the remaining words and substitute with -

“(a) reaffirms that for the financial year 2003-04 local authorities will receive 90% rebate on the £100 per tonne waste disposal charge;

(b) introduces a moratorium until 1st July 2003 on the increased charges for waste for both commercial and household waste from the private sector; and

(c) reports to the June sitting of Tynwald Court on the progress of consultation on the implementation of charging; on the detailed measures for implementing charges and on proposals for the introduction of a charging regime.”

Mr Corkill

Mr Singer’s amendment -

Court divided.

Amendment lost.

Mr Cannan’s amendment -

Court divided.

Amendment lost.

Capt. Douglas's amendment -
Amendment lost.

Mr Corkill's amendment -
Court divided.
Amendment carried.

Mr Speaker's amendment -
Court divided.
Amendment lost.

Court divided.
Motion as amended by Mr Corkill carried.

Suspension of Standing Orders -

Motion made -

That Standing Order 2.4(1) be suspended to permit the motion below to be moved.

Mr Cannan

National Health Service Act 2001 (Appointed Day) (No. 2) Order 2002 -

That Tynwald is of the opinion that the National Health Service Act 2001 (Appointed Day) (No. 2) Order 2002 [*SD No 818/02*] should be revoked before it takes effect.

Court divided.
Motion for suspension lost.

The Court rose at 5.15 pm.

**The Hon Noel Quayle Cringle
President of Tynwald**